REMARKS

The Examiner is thanked for his Office Action.

Claims 1-18 are pending in the present application. All claims were rejected.

Reconsideration of the claims is respectfully requested.

Claim Rejections -- 35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being anticipated by *Perkowski* (US Patent Publication 2003/0139975, hereinafter Perkowski) in view of *Erickson, et al.* (US Patent No. 6,412,009, hereinafter Erickson). This rejection is respectfully traversed.

The arguments presented in the previous responses, detailing some specific distinctions of the current claims over Perkowski and Erisckson, are hereby incorporated by reference and reiterated herein.

As many of the claims depend, directly or indirectly, from claim 1, identifying a nonobvious distinction in claim 1 over the combination of Perkowski and Erickson will demonstrate that that the cited references do not support a rejection of claim 1 or any of its dependents. To support the rejection, it is important that the combination of Perkowski and Erickson be shown not only to include every claimed element, but that those elements interact as claimed, or that a motivation be shown to modify them to interact as claimed. Some of the many claim distinctions are discussed below.

Claimed Structure and Interactions

Claim 1 requires, in part, "a first computer subsystem comprising collaborative application software … for sending application output data over the computer network … and … a second-subsystem firewall, located in front of the second application subsystem, … to communicate the application output data to the second computer subsystem."

These limitations are not taught or suggested by Perkowski, Erikson or a combination of them. Applicant initially notes that the Office Action relies primarily on Perkowski's figure 2C and paragraph 102 to illustrate these teachings. The Office Action also references "figure 3C9" in support of the claimed "second-subsystem firewall", but although the undersigned has studied Perkowski's oddly-numbered set of figures, it does not appear that Perkowski actually has a "figure 3C9," and Applicant is mystified as to why the Examiner continues to cite a non-existent Figure. The Examiner is cordially requested to identify, prior to appeal, exactly where Perkowski's Figure 3C9 can be found.

For example, the only element in the cited references that appears to arguably satisfy the claimed "collaborative application software" is Perkowski's "Collaborative Replenishment System", referenced in paragraph 95 as noted by the Office Action, and the only real description of Perkowski's "Collaborative Replenishment System" is found in paragraph 185, in relation to figures 2-1 and 2-2. Nothing in this description, these figures, or anywhere else in Perkowski teaches or suggests that the Collaborative Replenishment System sends output data over a network, through a second-subsystem firewall, to a second computer subsystem.

The final Office Action states, in response to this point, that this argument is not persuasive "because 'Collaborative Replenishment System' is not recited in the rejected claim(s)." The

Examiner is clearly confused on this point, since the Collaborative Replenishment System is part of

Perkowski's disclosure, not the instant application. For a proper rejection, the Examiner must show

that Perkowski discloses collaborative application software that sends output data over a network,

through a second-subsystem firewall, to a second computer subsystem. This feature is not taught or

suggested by Perkowski.

The Office Action also references paragraph 105 with regard to the claimed "collaborative

application software comprising machine readable instructions". This paragraph discusses a GUI

interface used by Perkowski, but not with regard to the Collaborative Replenishment System. The

relevance of this citation is frankly not understood.

While Perkowski does mention a firewall in several instances, none of these are with regard

to the Collaborative Replenishment System. A firewall is discussed with regard to figures 2C and

2D, as part of the client systems of figures 2-1 and 2-2. Paragraph 185 appears to state that the client

systems 13 of these figures are themselves a part of the Collaborative Replenishment system, so they

cannot a part of the claimed second computer subsystem. For this reason alone, claim 1, and all its

direct and indirect dependents, should be allowed over Perkowski.

Perkowski's paragraph 102, relied on in the present rejection, states in its entirety:

> FIG. 2C is a schematic representation of a portion of the
>
> system shown in FIGS. 2-1 and 2-2, wherein a plurality of
>
> manufacturer-operated client subsystems are shown connected to a
>
> local or wide area IP-based network, preferably maintained behind a
>
> secure corporate firewall, and the secured manufacturer information
>
> network is connected to the infrastructure of the Internet by way of an

Internet router and server, for the purpose of enabling different

departments within a business organization (e.g. marketing, sales,

engineering, support and service, advertising, finance, etc.) manage

different types of UPN/URL links based on the type of information

contained within the URL-specified information resource on the

WWW;

While this single paragraph and associated figure are relied upon for most of the rejection of

Claim 1 and its dependents, it does not appear that this paragraph, or any other portion of the cited

references, teach or suggests the claimed elements and their interactions. The Examiner is

respectfully requested to show where, in any cited art, a collaborative application software is

described as existing within the claimed hardware structure and operating as claimed. If the

Examiner believes that Perkowski includes such a teaching with regard to its "Collaborative

Replenishment System," Applicant respectfully requests that the Examiner identify which specific

elements in Perkowski interact with the Collaborative Replenishment System as claimed, as

Applicant is unable to identify any such elements.

Applicant further notes that while Perkowski includes, in various portions of his system,

several elements similar to those claimed in claim 1, they do not interact as claimed, and there has

been no suggestion that there is any motivation to modify Perkowski's system to meet the claim

limitations, or that such a system would be operable if so modified.

In light of these distinctions, claims 1-14 should be allowed, and the obviousness rejection of

these claims is traversed.

Keep-Alive Connection

Further, claim 1 requires "the second-subsystem firewall structured to communicate the application output data to the second computer subsystem through a hypertext transfer protocol keep-alive connection that is kept open for the duration of a collaboration." Claims 11, 15, and the claims that depend from claim 15 similarly require a keep-alive connection. As the Examiner concedes, nothing in Perkowski teaches or suggests an HTTP keep-alive connection that is kept open for the duration of a collboration. Erickson discusses a "keep-alive" function for maintaining a persistent HTTP tunnel for a connection-oriented protocol between a client and a web server.

The Office Action states that it would have been obvious to modify Perkowski to include the "keep-alive" connection of Erickson that is kept open for the duration of a collaboration because it "would enable the system to keep the connection active/alive even during periods of inactivity." The Examiner is respectfully requested to show where Perkowski teaches or suggests that keeping a connection active is advantageous or even considered. There appears to be no such motivation discussed in the references themselves, and nothing to indicate that Erickson's approach would be advantageous or even operable in Perkowski's system. If a basis for the alleged motivation cannot be shown in the art, then claims 1 and 15, and all of their direct and indirect dependents, should be allowed over Perkowski and Erickson.

The final Office Action notes that the Examiner is relying on knowledge generally available to one of ordinary skill in the art, and apparently concedes that no such motivation can be found in the references themselves. The Examiner's stated motivational advantage, to "enable the system to keep the connection active/alive even during periods of inactivity," is not taught or suggested by Perkowski to be desirable at all, and nothing in Erickson indicates that such an ability would be

advantageous in Perkowski's system. There is no teaching or suggestion at all – other than the Examiner's bare assertion -- that such an ability is generally desirable, or that such an ability would be advantageous or functional in Perkowski's system. <u>Accordingly, the Examiner is requested to provide documentary evidence or an affidavit establishing what precise knowledge he finds to be "generally available to one of ordinary skill in the art," and where the stated motivation can be found, as required by MPEP § 2144.03.</u>

Threads

Nothing in Perkowski or Erickson teaches or suggests "opening a first-subsystem thread in the second computer subsystem" as in Claim 2. The only reference to a thread at all appears in paragraph 764, and this does not meet the claim limitation. The undersigned as studied paragraph 163 as referenced by the Office Action, but it appears irrelevant to the claim language. Claim 2, and all other claims referencing "threads," should be allowed over Perkowski and Erickson.

The Examiner responds, in the final Office Action, by stating that "Perkowski teaches opening a first-subsystem thread in the second computer subsystem for receiving the application output data in page 13, paragraph 163." Perkowski's paragraph 163 teaches nothing of the sort, and doesn't mention threads at all. Applicant is again mystified; and questions whether the Examiner is actually referencing the cited Perkowski publication.

"Block on a Read"

With regard to claims 3, 10, 12, and 16, nothing in Perkowski or Erickson teaches or suggests a socket that blocks on a read. "Block on a read" generally means that when a "read" process is used

on a socket, any other threads or processes are "blocked" from accessing the socket. This has nothing to do with "performing a search," and the undersigned is mystified at why the Examiner indicates that "block on a read" reads on "performing a search." The Examiner is respectfully requested to provide documentary support for this interpretation. All of these claims should be allowed over Perkowski and Ericson.

The Examiner, in the final Office Action, responds that he reads "blocking on a read" as "carrying out a search" in Perkowski's paragraph 206. Nothing in the paragraph teaches or suggests anything about blocking on a read, nor that "carrying out a search" is functionally equivalent to blocking on a read. The Examiner is AGAIN respectfully requested to provide documentary support for his unusual interpretation, so that this issue can be properly briefed on appeal.

"Causing the First Subsystem Thread to Sleep"

With regard to claim 4, the Office Action appears to equate "causing the first-subsystem thread to sleep" with an entire client system being in an "idle" mode because it is not actively being used (as described in Perkowski's paragraph 233, referenced by the Examiner). These are entirely different concepts, and as nothing in Perkowski teaches or suggests the operation of threads at all, certainly nothing teaches or suggests putting a thread to sleep. Claim 4 should be allowed over Perkowski.

Data Transfer

With regard to claim 9, Perkowski's Collaborative Replenishment System does not appear to send data to a Web server over a second computer network and from there to a second computer

subsystem over a first computer network. If the applicant has misread the operation of the Collaborative Replenishment System, the Examiner is respectfully requested to show where in Perkowski or Erickson these limitations are met, as it does not appear to be so described in the paragraphs cited in the Office Action.

Collaborative Application Software

With regard to claim 14, Perkowski does not teach or suggest that its Collaborative Replenishment System is a word processor, a task scheduling tool, a graphics program, a spreadsheet, a game, or a music studio. The only function described for the Collaborative Replenishment System is "for determining what products retailers can buy in order to satisfy consumer demand at any given point of time." Claim 14 should be allowed over Perkowski and Erickson

Applicant further notes that "collaborative" is described in the instant application as "wherein two or more mutually-remote clients concurrently and simultaneously access and control an application (e.g., a word processing application on a remote server machine) over a computer network across one or more firewalls." A "collaborative application" is defined in the specification as "an application capable of concurrently receiving input from and providing output to at least two people at two different computers." Although Perkowski uses the term "collaborative," nothing in Perkowski or Erickson, below, appear to teach or suggest the use of collaborative application software as described, defined, and claimed in the present application.

As noted above, nothing in Perkowski or Erickson, or any combination of them, appears to teach or suggest the use of collaborative application software as described, defined, and claimed in independent claims 1 and 15 of the present application. As such, these independent claims, and all dependent claims (including claims 6-7 and 17-18) should be allowed over Perkowski and Erickson.

All anticipation and obviousness rejections have been traversed, and reconsideration and allowance of all claims is respectfully requested.
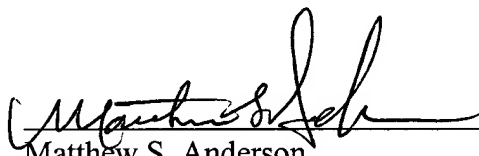
SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 05-0765.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 12/20/14

Matthew S. Anderson
Registration No. 39,093

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *manderson@davismunck.com*